IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
MONDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9998 of 2004

Between:

C. Harnathaiah, S/o. Sri Seshaiah,
Superintendent, Laddu Counter, Tirumala Tirupathi Devasthanams,
Tirumala, Chittoor District.

..... PETITIONER

AND

Tirumala Tirupathi Devasthanams, rep.by its
Executive Officer, TTD Devasthanams, Tirupathi

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or direction particularly one in the nature of MANDAMUS declaring the Proceedings No. ROC.DA1/1520/02 dated 07-04-2004 of the first respondent herein imposing the penalty of stoppage of one increment without cumulative effect as arbitrary, illegal unconstitutional, violative of principles justice and by nullifying the same direct the first respondent to restore the with held benefits of the increment with a further direction to consider Petitioner's case for promotion as Assistant Executive Officer with retrospective effect, i.e the day on which it was deferred with all consequential and attendant benefits,

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondent : MR.P.SURESH REDDY

The Court at the admission stage Made the Following :

ORDER:

In spite of standing instructions, the writ petitioner did not attend the Court on 19.12.2001, as a result of which the suit O.S.No. 6 of 1998 was dismissed and the judgment was delivered in favour of Tirumala Tirupathi devasthanams-respondent. Therefore regular departmental enquiry was conducted against the writ petitioner.

The Enquiry Officer submitted his enquiry report. Accepting the report of the Enquiry Officer, the present impugned proceedings in Roc. DA1/1520/02 dated 07.04.2004 have been issued imposing the penalty of stoppage of one increment without cumulative effect. Questioning the same, the present writ petition is filed.

The learned Counsel for the writ petitioner contended that no opportunity was given to the writ petitioner to cross-examine the witnesses who were examined in the departmental enquiry and, therefore, the principles of natural justice have been violated, and hence, he prays to set aside the impugned proceedings.

The learned Counsel appearing for the respondent opposed the same.

At the request of the both the counsel, the main writ Petition is taken up for disposal.

An enquiry has been conducted against the writ petitioner for not attending the Court, for which the writ petitioner was specifically instructed to attend the Court. Some witnesses were examined in the departmental enquiry. The grievance of the petitioner is that no opportunity was given to him to cross-examine the witnesses in the enquiry. Therefore, the principles of natural justice have been violated.

As a matter of fact, when a disciplinary authority issued a show cause notice, this fact was brought to the notice of the disciplinary authority stating that the Enquiry Officer did not permit him to cross-examine the witnesses. Therefore, reasonable opportunity can be given to the petitioner to cross-examine the witnesses, who were examined in the departmental enquiry. Therefore, the impugned proceedings in Roc.DA1/1520/02 dated

07.04.200 are set aside and the matter is remitted back to the Enquiry Officer for giving a reasonable opportunity to the petitioner for cross-examining the witnesses who were already examined by fixing a date. The said cross-examination should be completed within a period of two weeks from the date of receipt of a copy of this Order.

With the above observation, the writ petition is disposed of. No costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

TO

1. The Executive Officer,
   Tirumala Tirupathi Devasthanams,
   Tirupathi.
   Chittoor District.

2. Two CD Copies.

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